

## Message Text

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ORIGIN SCCT-01

INFO OCT-01 AF-06 EUR-12 ISO-00 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

SY-05 SCS-03 USIE-00 INRE-00 NSCE-00 SSO-00 /067 R

66610

DRAFTED BY: LS/SFP:LGFIELDS/S/CCT:RAFEAREY:BJR

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AF/E:WBCOOTE

AF/C:RRSTRAND

L:MR LEIGH

----- 035959

O P 312106Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY DAR ES SALAAM IMMEDIATE

AMEMBASSY KINSHASA IMMEDIATE

INFO AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY BUJUMBURA PRIORITY

AMCONSUL BUKAVU PRIORITY

AMCONSUL LUBUMBASHI PRIORITY

AMEMBASSY NAIROBI PRIORITY

AMEMBASSY THE HAGUE

C O N F I D E N T I A L STATE 127472

SECOND C O R R E C T E D C O P Y (CORRECTION PARA TWO LINE FIVE)

E.O. 11652: GDS

TAGS: CASC (SMUT, SMITH, HUNTER AND BERGMANN)

SUBJECT: KIDNAPPED STUDENTS

REF: STATE 12307

1. WE BELIEVE USG SPOKESMEN IN WASHINGTON AND THE FIELD  
HAVE PRIVATELY AND PUBLICLY MADE THE ESSENTIAL POINTS  
ABOUT THE GOT'S AND GOZ'S SHARED RESPONSIBILITIES WITH  
REGARD TO THE KIDNAPPED STUDENTS. HOPEFULLY THIS LEGAL  
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QUESTION CAN NOW BE SUBORDINATED TO SINCERELY HELD FEELINGS

OF HUMANITARIAN CONCERN BY ALL THE INVOLVED GOVERNMENTS FOR THE STUDENTS SAFE RETURN. NEVERTHELESS POSTS SHOULD HAVE USG POSITION ON THE MATTER IN CASE IT ARISES AGAIN.

2. THERE IS A GENERAL DUTY RECOGNIZED UNDER INTERNATIONAL LAW ON THE PART OF ALL NATIONS TO PROTECT FOREIGN NATIONALS WITHIN TERRITORIAL LIMITS. THIS DUTY INVOLVES DUE DILIGENCE TO AFFORD PROTECTION TO SUCH FOREIGN NATIONALS. DUE DILIGENCE GENERALLY CONTEMPLATES PREVENTIVE OR DETERRENT MEASURES UNDERTAKEN BY A GOVERNMENT TO PREVENT WRONGFUL ACTS AGAINST PERSONS OR PROPERTY OF ALIENS WITHIN THE COUNTRY. THE DEGREE OF PROTECTION VARIES WITH THE CIRCUMSTANCES; HOWEVER IT IS GENERALLY ACCEPTED IN INTERNATIONAL LAW THAT ALIENS MUST BE AFFORDED AT LEAST AS MUCH PROTECTION AS NATIONALS OF THE COUNTRY CONCERNED. BY EXTENSION, THE COUNTRY CONCERNED SHOULD MAKE THE SAME EFFORT

TO REDRESS THE EFFECTS OF A CRIME AGAINST FOREIGN NATIONALS AS IT WOULD IN THE CASE OF ITS OWN NATIONALS. IN THIS CASE,BECAUSE THE KIDNAPPING OCCURRED ON TANZANIAN TERRITORY THE GOT INITIALLY HAD PRIMARY RESPONSIBILITY TO SEEK RESCUE OF HOSTAGES. WHEN KIDNAPPERS TOOK HOSTAGES INTO THE TERRITORY OF ZAIRE, THIS RESPONSIBILITY BECAME SHARED BY THE GOZ, BUT THE GOT WAS NOT ABSOLVED. THE USG AND THE GON OF COURSE ALSO HAVE GENERAL RESPONSIBILITY FOR THE PROTECTION OF THEIR NATIONALS ABROAD.

3. AS INDICATED ABOVE, WE HOPE QUESTION DOES NOT ARISE AGAIN WITH GOVERNMENTS OR PRESS, SINCE THERE IS PROBABLY NOTHING TO BE GAINED FROM FURTHER DISCUSSION OF IT. HOWEVER, SHOULD IT BECOME NECESSARY TO ADDRESS THE SUBJECT AGAIN, EITHER PRIVATELY OR PUBLICLY, POSTS SHOULD DRAW UPON ABOVE POSITION. ADDITIONALLY, POINT MIGHT BE MADE THAT "THERE IS NO MISUNDERSTANDING ON THE PART OF ANY OF THE GOVERNMENTS CONCERNED. WE ARE ALL WORKING TOWARD THE SAME AIM OF THE SAFE RESCUE OF THESE YOUNG PEOPLE". INGERSOLL

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## Message Attributes

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**TAGS:** CASC, PINS, US, NL, TZ, CG, (SMUTS, BARBARA), (SMITH, KENNETH STEPHEN), (HUNTER, CARRIE JANE)  
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